

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
GOVERNMENT OPERATIONS**

Tuesday, February 28, 2006

10:30 a.m.

Room 326 House Office Building

The House Standing Committee on Government Operations was called to order by **Representative Leon Drolet**, Chair.

MEMBERS PRESENT: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons and Tobocman.

MEMBERS ABSENT/EXCUSED: Representatives Lipsey and Lemmons, III.

Chairman Drolet laid **HB 5744** and **HB 5745** before the committee:

HB 5744	Caswell	Mental health; code; promulgating rules, or establishing guidelines or policies that grant preferences in licensure to regulated facilities that have collective bargaining agreements with employees; prohibit.
HB 5745	Shaffer	Health; code; promulgating rules or exceptions to rules that grant preferences in licensure to providers, facilities, or employers licensed under the code that have collective bargaining agreements with employees; prohibit.
SB 1026	Hardiman	Administrative procedure; rules; rule or exception to a rule; clarify in regard to the presence or lack of a collective bargaining agreement with employees.
SB 1027	Cropsey	Human services; adult foster care; promulgating rules, or establishing guidelines or policies that grant preferences in licensure to regulated facilities that have collective bargaining agreements with employees; prohibit.
SB 1028	Sanborn	Human services; other; promulgating rules, or establishing guidelines or policies that grant preferences in licensure to regulated facilities that have collective bargaining agreements with employees; prohibit.

- SB 1029 Hammerstrom Health; code; promulgating rules or exceptions to rules that grant preferences in licensure to providers, facilities, or employers licensed under the code that have collective bargaining agreements with employees; prohibit.
- SB 1030 Hammerstrom Mental health; code; promulgating rules, or establishing guidelines or policies that grant preferences in licensure to regulated facilities that have collective bargaining agreements with employees; prohibit.

TESTIMONY

Representative Caswell, sponsor of HB 5744, explained his bill to the committee.

Representative Shaffer, sponsor of HB 5745, explained his bill to the committee.

Kathleen Murphy, representing the Michigan Assisted Living Association (MALA), testified in support of SB 1026 – SB 1030.

David LaLumia, representing the Michigan Association of Community Health Boards (MACMHB), testified in support of SB 1026 – SB 1030.

Dean Solden, representing the Michigan Center for Assisted Living (MCAL) and provider – University Living (Ann Arbor), testified in support of SB 1026 – SB 1030.

John Lazet, representing Senator Cropsey’s office, submitted a card indicating he would speak if necessary and supported the bills.

Kelly Bartlett, representing Senator Hardiman’s office, submitted a card indicating he would speak if necessary and supported the bills.

The following people submitted a card in support of the bills and did not wish to speak.

Amy Borzymowski, representing Alterra Healthcare.

Kathleen Swantek, representing Blue Water Developmental Housing.

Janet Flanegin, representing Michigan Assisted Living Association (MALA) – Judson Center.

Rob Clark, representing Brookdale Senior Living (Alterra).

Albert Harraman, representing Oak Crest Manor of Kentwood.

Glen Wilson, representing himself.

Cheryl Dzikowski, representing herself.

Jason Lovett, representing Ingham Regional Assisted Living.

Victoria Pellettiere, representing Community Living Options.

Mrs. Fioreela Spalvieri, representing Community Living Options.

Laurie Shepard, representing Ingham Regional Assisted Living.

Ben Bolkin, representing Michigan County Medical Care Facilities.

Kim Ringlever, representing Health Care Association of Michigan.

David Herbel, representing Michigan Association of Homes and Services for the Aging.

Heather Anderson, representing the Michigan Center for Assisted Living (MCAL), opposed SB 1027.

Jill Kane, representing Michigan Center for Assisted Living.

Courtney Jones, representing the Michigan Center for Assisted Living (MCAL).

Amy Mayer, representing the Michigan Center for Assisted Living (MCAL).

James Gale, representing the Office of Children and Adult Licensing, Michigan Department of Human Services, testified in opposition to HB 5744, HB 5745 and SB 1026 – SB 1029.

Nick Ciaramitaro, Director of Michigan AFSCME, testified in opposition to the bills.

The following people submitted a card in opposition to the bills and did not wish to speak:

Ken Fletcher, representing Michigan State AFL-CIO.

Nadine Nosal, representing the International Union – UAW.

Due to time constraints the following people were unable to speak:

Karyn Ferrick, representing the Senate Majority Policy Office, supported the bills.

Representative Hoogendyk offered the following amendments to **HB 5744**:

1. Amend page 2, line 6, after "**EMPLOYEES**" by inserting a comma and "**NOR SHALL COLLECTIVE BARGAINING STATUS, LEVEL OF WAGES, OR FRINGE BENEFITS BE USED TO DEMONSTRATE OR EXCUSE COMPLIANCE WITH STATE LICENSING OR REGULATORY STANDARDS OR REQUIREMENTS**".

2. Amend page 2, line 18, after "**EMPLOYEES**" by inserting a comma and "**NOR SHALL**

COLLECTIVE BARGAINING STATUS, LEVEL OF WAGES, OR FRINGE BENEFITS BE USED TO DEMONSTRATE OR EXCUSE COMPLIANCE WITH STATE LICENSING OR REGULATORY STANDARDS OR REQUIREMENTS".

Representative Gosselin moved to adopt the amendments. The motion was supported by **Representative Garfield**.

The motion prevailed by a vote of **6-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons,
Nays: Representative Tobocman,
Pass: None.

Representative Gosselin moved to report **HB 5744** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Hoogendyk**.

The motion prevailed by a vote of **6-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons,
Nays: Representative Tobocman,
Pass: None.

Representative Garfield offered the following amendments to **HB 5745**:

1. Amend page 1, line 6, after "**THIS**" by striking out "**CODE BASE UPON**" and inserting "**ACT BASED ON**".

2. Amend page 1, line 7, after "**EMPLOYEES**" by inserting a comma and "**NOR SHALL COLLECTIVE BARGAINING STATUS, LEVEL OF WAGES, OR FRINGE BENEFITS BE USED TO DEMONSTRATE OR EXCUSE COMPLIANCE WITH STATE LICENSING OR REGULATORY STANDARDS OR REQUIREMENTS**".

Representative Gosselin moved to adopt the amendments. The motion was supported by **Representative Sheen**.

The motion prevailed by a vote of **6-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons,
Nays: Representative Tobocman,
Pass: None.

Representative Gosselin moved to report **HB 5745** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Sheen**.

The motion prevailed by a vote of **6-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons,

Nays: Representative Tobocman,

Pass: None.

Representative Sheen moved to report **SB 1026** with recommendation. The motion was supported by **Representative Hoogendyk**.

The motion prevailed by a vote of **6-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons,

Nays: Representative Tobocman,

Pass: None.

Representative Gosselin moved to report **SB 1027** with recommendation. The motion was supported by **Representative Hoogendyk**.

The motion prevailed by a vote of **6-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons,

Nays: Representative Tobocman,

Pass: None.

Representative Garfield moved to report **SB 1028** with recommendation. The motion was supported by **Representative Hoogendyk**.

The motion prevailed by a vote of **6-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons,

Nays: Representative Tobocman,

Pass: None.

Representative Garfield moved to adopt the minutes of the **February 14, 2006** meeting. The motion was supported by **Representative Hoogendyk**. There being no objection, the motion carried by unanimous consent.

Representative Tobocman moved to excuse Representative Lipsey and Lemmons, III from committee. The motion was supported by **Representative Garfield**. There being no objection, the motion carried by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 12:07 p.m.

Representative Leon Drolet, Chair
House Standing Committee on Government Operations
Malika Abdur-Rashid
Committee Clerk
517-373-7256
1 Hour 37 Minutes